

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ozie M. Ware,)	
)	C/A No. 1:09-2360-MBS-JRM
Plaintiff,)	
)	
vs.)	
)	AMENDED ORDER
Rodney Pruitt; Judge A.W. Flynn;)	
Officer J.E. Patsourakos; and Officer)	
Griffin,)	
)	
Defendants.)	
_____)	

Plaintiff Ozie M. Ware, proceeding pro se and in forma pauperis, filed the within complaint on September 8, 2009, asserting that he and his son are being harassed by Defendants.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915 and applicable precedents. The Magistrate Judge filed a Report and Recommendation on October 1, 2009. The Magistrate Judge determined, among other things, that Defendant A.W. Flynn is a judge entitled to judicial immunity. The Magistrate Judge further determined that Plaintiff failed to state any allegations against Defendant Griffin. Accordingly, the Magistrate Judge recommended that the complaint be dismissed as to these Defendants without prejudice and without issuance and service of process. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the

Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within complaint is dismissed without prejudice and without issuance and service of process as to Defendants Flynn and Griffin. The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

November 17, 2009.

Nunc Pro Tunc Date: October 28, 2009.